

REMARKS

Claims 1-35 are pending; claims 1, 2, 9, 19, and 35 are independent. Applicants have amended the specification and claim 35 to correct obvious errors.

All claims stand rejected under 35 U.S.C. § 103(a) as obvious in view of Tagami et al, United States patent 5,812,369. Claims 8 and 25 stand rejected under 35 U.S.C. § 103(a) over Tagami in view of Klein et al., United States patent 5,726,885. Applicants respectfully traverse these rejections.

As more fully explained below, the Tagami et al document refers to a vehicle sharing system that differs fundamentally from Applicants' claimed system in the way that vehicles are selected. The Tagami document for example, refers to a vehicle sharing system in which the computer selects an available motor vehicle based on a user's *past usage* information (col. 8, lines 28-29). Tagami does not disclose, teach or suggest a vehicle sharing system wherein vehicle allocation is based on the user's immediate travel needs.

Applicants' claimed system is superior to the system referred to in Tagami because, inter alia, a system that selects a vehicle for use based on a user's past usage will likely result in a situation whereby a vehicle is allocated to a user with an insufficient charge for the user's intended purpose. A vehicle sharing system that considers the user's immediate needs or intended use in the allocation process provides for a more accurate selection, thereby greatly reducing the chance that a vehicle would run out of charge short of the user's intended destination.

It is therefore apparent that Tagami does not refer to a system in which a user's intended use of the vehicle is considered in the allocation process, as in Applicants' claimed invention.

Rejections Under 35 U.S.C. § 103(a)

Turning now to the specific grounds for rejection, independent claims 1, 2, 9, 19, 35, and dependent claims 3-7, 10-24, 26-34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Tagami. Applicants respectfully traverse these rejections. Each of the rejected independent

claims contain the element that the vehicle allocation system considers the user's immediate travel request in the allocation of an appropriate vehicle. For example:

Claim 1 -- a "user enter[s] an expected distance of an intended trip" and the computer selects "a group of vehicles adequate for covering said expected distance of an intended trip"

Claim 2 -- "receiving a travel request from a user [and] selecting a group of ... vehicles ... where each selected vehicle has a [state of charge] sufficient to meet the travel request from the user"

Claim 9 -- "receiving travel request information from a user ... [and] operating a computer to select a group of ... vehicles ... where each selected vehicle has [a state of charge] sufficient to meet the travel request information from the user"

Claim 19 -- "a computer system ... programmed to respond to a travel request from a user, for selecting a group of ... vehicles ... where each selected vehicle has a [state of charge] sufficient to meet the travel request information from the user"

Claim 35 -- "receiving a travel request from a user [and] selecting a first group of ... vehicles ... where each selected vehicle has a [state of charge] sufficient to meet the travel request from the user"

According to the Examiner, Tagami teaches this claim element. Applicants' respectfully disagree.

With respect to claims 1, 2 and 35, the Examiner cites col. 8, lines 27(sic)-34(sic), which states in pertinent part, that "[t]he shared vehicle rental system selects available motor vehicles depending on the *past usage* by users ... [such that the] system selects a motor vehicle whose battery is not fully charged for a user whose *past traveled distance* is relatively short." It must be appreciated that allocating a vehicle based on a user's past versus intended use is completely different from Applicants' claimed invention. Vehicle allocation based on the intended use of the

vehicle allows for the more efficient allocation since it more accurately selects the appropriate vehicle. This is particularly important with the use of electric vehicles, which are not readily rechargeable. As demonstrated above, claims 1, 2 and 35 are patentable over Tagami because the cited document does not disclose, teach or suggest a vehicle allocation order or method that considers a user's intended use of the vehicle in the allocation process. Since the limitation said to be present is not in fact shown or suggested by the cited art, the claims cannot be rendered obvious by teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of claims 1, 2 and 35 as obvious should be withdrawn.

Turning to independent claim 9, the Examiner states that the claim element in question "is met by the user interface (48) communicating the travel request information to a computer (60)" and cites col. 5, lines 46(sic)-48(sic) in support of this conclusion. Applicants respectfully disagree. The cited portion of the Tagami document states in its entirety: "The user interface 48 reads registration information recorded on the inserted IC card, and sends the registration and the password to the computer 60." To clarify the purpose of the IC card, the Tagami invention states that the IC card stores a "[record] of *past rental information* including times at which the user rented a motor vehicle C, distances and time traveled, and fares" Col. 5, lines 8-10. The IC card information is then used in the allocation of a vehicle given, "[i]f the average traveled distance in the *past usage recorded* on the IC card of the user is relatively short, then the computer 60 selects, for the user, a motor vehicle C whose battery is not fully charged." Col. 5, lines 65-67; col. 6, lines 1-2. Again, the cited document does not disclose, teach or suggest a method for allocating a vehicle whereby the user's travel request information - the user's *intended* use of the vehicle - is used by a computer to select a vehicle with a state of charge sufficient to meet the travel request information of the user, as in Applicants' claimed invention. Since the limitations said to be present are not in fact shown, taught or suggested by the cited art, the claim cannot be rendered obvious by teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of claim 9 as obvious should be withdrawn.

To support the rejection of claim 19, the Examiner cites essentially the same passage that Applicants' cited above (col. 5, lines 62-67; col. 6, lines 1-2) to indicate that the Tagami document fails to teach or suggest a "computer system ... programmed to respond to a travel request from a user, for selecting a group of ... vehicles ... where each selected vehicle has a [state of charge] sufficient to meet the travel request information from the user" As presented above, the passage cited is directed toward the allocation of a vehicle based on the past usage of the user, which is distinctly different from Applicants' claimed invention. It follows, therefore, that since the limitations said to be present are not in fact shown, taught or suggested by the cited art, the claim cannot be rendered obvious by teachings directed to other limitations of the inventions claimed. Accordingly, the rejection of claim 19 as obvious should be withdrawn.

Claims 3-7, 10-24, 26-34, which were also rejected by the Examiner as obvious in view of Tagami, each depend from the independent claims listed above and, therefore, narrow the their scope. As previously demonstrated, neither the Tagami document nor the arguments made by the Examiner teach or suggest a vehicle allocation method whereby a user's intended use is considered in the allocation of a vehicle. Accordingly, the rejection of claims 3-7, 10-24, 26-34 as obvious should be withdrawn.

Claims 8 and 25, which depend from claims 2 and 19 respectively, stand rejected as unpatentable over Tagami, in view of Klein. The documents cited, however, fail to teach or suggest the intended use element of independent claims 2 and 19, and instead go to limitations contained in the dependent claims which narrow the claims they depend from. Accordingly, the rejection of claims 8 and 25 should be withdrawn.

Applicants respectfully submit that their claims are in condition for allowance, and request notice thereof.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Prior pending paragraph beginning at page 5, line 11:

According to yet another aspect of the invention, a shared vehicle system and method involves allocating vehicles from a group of available vehicles and returning vehicles to the group upon detection of a parking state while the vehicle is located at a port. A port is a vehicle staging area where vehicles may be parked prior to being allocated to a user. A typical port contains a user kiosk containing a computer terminal for interacting with the shared vehicle system.

~~Through~~ Throughout this disclosure the term “kiosk” will be used to mean a kiosk with a user terminal. The terms kiosk and terminal shall be used interchangeably herein. In preferred embodiments, the detection of a parking state is accomplished by, for example, the detection of the setting of the vehicle in a parking gear, the lack of motion of a vehicle for a period of time, the opening and/or closing of a vehicle door, or a combination of such events, each of which require no user interaction other than the typical actions taken to park a vehicle.


Prior pending Claim 35:

35. (Amended) A method for allocating one or more vehicles from a fleet of electric powered vehicles to one or more users, wherein each vehicle has a state of charge (SOC) at any given time, the method comprising:
- receiving a travel request from a user;
 - selecting a first group of one or more vehicles from the fleet, where each selected vehicle has a SOC sufficient to meet the travel request from the user;
 - selecting a second group of N vehicles having the N highest SOC's of the vehicles within the first group, wherein N is a predetermined positive integer greater than 1; and
 - allocating to the user the vehicle having the highest SOC of vehicles in the ~~first~~ second group but not the ~~second~~ first group.

The Commissioner is hereby authorized to charge any additional fees to Deposit Account 131 241 or to credit any overpayment to the same for all matters during the prosecution of this application.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicants

By: 
Edward M. Jordan
Registration Number 40,666

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